

Public Law 107-230  
107th Congress

An Act

To provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

Oct. 1, 2002

[H.R. 3880]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CLEAN AIR TRANSPORTATION CONFORMITY; TEMPORARY WAIVER FOR NEW YORK AREAS.**

(a) **TEMPORARY WAIVER.**—Notwithstanding any other provision of law, until September 30, 2005, the provisions of section 176(c) of the Clean Air Act, and the regulations promulgated thereunder, shall not apply to transportation projects, programs, and plans (as defined in 40 C.F.R. Part 93, Subpart A) for the counties of New York, Queens, Kings, Bronx, Richmond, Nassau, Suffolk, Westchester, Rockland, Putnam, or the towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury in Orange County, New York. The preceding sentence shall not apply to the regulations under section 176(c)(4)(B)(i) of such Act relating to the Federal and State interagency consultation procedures.

(b) **INTERIM PROGRESS REPORT.**—Not later than January 1, 2004, the Governor of New York shall submit to the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation a report regarding the status of the State's progress towards achieving compliance with the provisions of law and regulation subject to the temporary waiver provided by subsection (a). Such report shall explain in detail the steps that the State has taken towards achieving such compliance and identify the necessary steps that remain to be taken by September 30, 2005, in order for the transportation projects, programs, and plans for the counties referred to in subsection (a) to be in compliance with the provisions of section 176(c) of the Clean Air Act, and the regulations promulgated thereunder, by September 30, 2005. The report shall also include a regional emissions analysis generally consistent with the requirements of 40 CFR 93.122, together with the relevant air quality data.

Deadline.

**SEC. 2. METROPOLITAN PLANNING REQUIREMENTS; TEMPORARY WAIVER FOR NEW YORK AREAS.**

Notwithstanding any other provision of law, until September 30, 2005, the provisions of sections 134(h)(1)(D), 134(i)(3), 134(i)(5),

and 134(l)(1) of title 23 of the United States Code and sections 5304(a)(1), 5305(c), and 5305(e)(1) of title 49 of the United States Code and the regulations promulgated thereunder, shall not apply to the New York Metropolitan Transportation Council or to the Metropolitan Planning Organization designated under section 134(b) of title 23 of the United States Code.

**SEC. 3. ADDITIONAL REQUIREMENTS.**

(a) **PROHIBITION ON CAPACITY EXPANSION.**—During the period of the temporary transportation conformity waiver for transportation plans, programs, and projects under section 1, no regionally significant capacity expanding highway project shall be added to the Regional Transportation Plan for the counties referred to in section 1 and no such project may be advanced from the out years of the Plan into the TIP, except as provided in subsection (b).

(b) **EXCEPTION.**—Any regionally significant capacity expanding highway project south of Canal Street and West of Broadway in Manhattan may be added to the Plan referred to in subsection (a) if—

(1) the project is part of a redevelopment plan for lower Manhattan subject to NEPA and the New York State Environmental Quality Act, as applicable; and

(2) any projected increases in transportation related emissions resulting from the project are offset by corresponding reductions within the affected county, with best efforts made to secure reductions from within the immediate area affected by the project's emissions.

Approved October 1, 2002.

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**LEGISLATIVE HISTORY—H.R. 3880:**

HOUSE REPORTS: No. 107-649 (Comm. on Energy and Commerce).  
CONGRESSIONAL RECORD, Vol. 148 (2002):

Sept. 10, considered and passed House.  
Sept. 12, considered and passed Senate.